

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY PHILLIP PUCKETT,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:22-cv-0350 KJM DB

ORDER

Pursuant to Local Rule 302(c)(1) this matter came before the undersigned on February 23, 2024, for hearing of plaintiff's motion to compel. (ECF No. 67.) Attorneys Hilary Soloff and Ryan Snyder appeared on behalf of plaintiff, who was also present. Attorney John Whitefleet appeared on behalf of defendants. After hearing oral argument, plaintiff's motion was taken under submission.

The discovery process in theory should be cooperative and largely unsupervised by the district court." Sali v. Corona Regional Medical Center, 884 F.3d 1218, 1219 (9th Cir. 2018). "When that cooperation breaks down, the district court has broad discretion to regulate discovery conduct and, if needed, impose a wide array of sanctions." Infanzon v. Allstate Insurance Company, 335 F.R.D. 305, 311 (C.D. Cal. 2020). When the court grants a motion to compel it must "after giving an opportunity to be heard," award "reasonable expenses incurred in making

1 the motion, including attorney's fees," unless the "opposing party's position was 'substantially
2 justified' or that 'other circumstances make an award of expenses unjust.'" Id. (quoting Fed. R.
3 Civ. P. 37(a)(5)(A)). "The burden of establishing this substantial justification or special
4 circumstances rests on the party being sanctioned." Id.

5 Moreover, "[u]nder its 'inherent powers,' a district court may also award sanctions in the
6 form of attorneys' fees against a party or counsel who acts 'in bad faith, vexatiously, wantonly, or
7 for oppressive reasons.'" Leon v. IDX Systems Corp., 464 F.3d 951, 961 (9th Cir. 2006)
8 (quoting Primus Auto. Fin. Servs., Inc. v. Batarse, 115 F.3d 644, 648 (9th Cir. 1997)). ""Rule
9 37(b) provides for sanctions against parties who unjustifiably resist discovery." Quadrozzi v.
10 City of New York, 127 F.R.D. 63, 73 (S.D. N.Y. 1989). "Monetary sanctions, in particular, may
11 be awarded to compensate for added expense caused by the recusant party's conduct." Id. at 74.
12 "In evaluating the propriety of sanctions, we look at all incidents of a party's misconduct."
13 Adriana Intern. Corp. v. Thoenen, 913 F.2d 1406, 1411 (9th Cir. 1990).

14 For the reasons stated at the February 23, 2024 hearing, IT IS HEREBY ORDERED that:

- 15 1. Within seven days of the date of this order plaintiff shall file briefing addressing the
16 issue of awarding plaintiff reasonable fees and costs associated with bringing the current motion;
- 17 2. Defendants may file an opposition, or statement of non-opposition, within seven days
18 of the filing of plaintiff's brief; and
- 19 3. Plaintiff's may file a reply brief within seven days thereafter.

20 Dated: February 23, 2024

21
22
23 
DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

24 DLB:6
25 DB/orders/orders.civil/puckett0350.oah.0223
26
27
28